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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,140	06/20/2001	Shih-Pan-Yu Hsieh	4712-118 US	3091

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EXAMINER

PALO, FRANCIS T

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,140

Applicant(s)

HSIEH ET AL.

Examiner

Francis T. Palo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 2 and 5 are objected to because of the following informalities:

Appropriate correction is required.

Regarding claim-2:

In the claim; "the weeds" should be --weeds--.

Regarding claim-5:

In the claim; "usage" should be --use--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al, (US 526,512) 1894.

Regarding independent claims 1 and 11:

Weber discloses an appliance for and method of sowing seeds comprising the steps of:

a) providing a base (A) of sufficient thickness to allow seed pockets to be made which may be about one-eighth of an inch [(read as thin); lines 65-70], with water-absorbing ability (line-27) and humidity-maintaining ability, wherein the base includes a plurality of concavities (seed pockets; lines 63-66);

b) inlaying the seeds in the concavities of the base (lines 30, 38, 67 and 100), with a securing layer [cover (a); lines 74-80];

c) covering a cultivating material (ground soil) with the base (A), wherein each concavity has a void (lines 80-90) therein for allowing a radicle of a corresponding seed to pierce therethrough and be rooted in the cultivating material (page-2, lines 27-30).

Regarding independent claim-15:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet in nature acts as a mulch (page-2, line19), and the seed holding sheet or mat is made of some fibrous material (read as paper).

Regarding claims 2 and 12:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet in nature acts as a mulch (page-2, line-19) and while germinating the seeds perfectly also retains the moisture in the ground beneath the mat and prevents the wild grass or weeds in the soil beneath the mat from growing; this is read as light blocking material as cited in the instant claims.

Regarding claims 3 and 13:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet or mat is made from some fibrous material (page-1, line-54).

Regarding claim-5:

The discussion above regarding claim-1 is relied upon.

Weber discloses the seed pockets can be about one-eighth of an inch apart (page-1, line-71) and the sheet or mat contains fertilizer (page-1, line-55).

Regarding claims 6-9:

The discussion above regarding claim-1 is relied upon.

Weber discloses a porous seed retaining cover is fastened to the upper face of the seed containing mat (page-1, line-74), and that this cover may be made of the same material as the mat (page-1, line-78; see also the discussion above regarding claim-15).

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Weber further discloses pasting or otherwise affixing the seed retaining cover upon the top of the mat (page-1, line-100...).

Regarding claim-10:

The discussion above regarding claim-1 is relied upon.

Weber discloses the mat may be filled with flower seeds (page-2, line-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Weber (US 526,512) 1894
in view of Fuss (EP 477514A1) 1992.

Regarding claims 4 and 14:

The discussion above regarding claims 1 and 11 is relied upon.

Weber does not specifically disclose a mat thickness range of 0.2-0.3 mm.

Weber discloses the body of the mat is of sufficient thickness to allow seed pockets or holes to be made in the body to receive the seeds (page-1, line-65), and in planting lawns the sheet may be about one-eighth of an inch in thickness (page-1, line-69);

Fuss teaches a sheet-like seed carrier for cultivating seed types, characterized by a water-soluble plastic base film bonded to a covering film of the same material, both having a thickness of up to 0.025mm with an extensibility for matching to the surface of the seed grains, and by a thin film of water-soluble adhesive with a thickness of 0.012-0.020 mm.

Both Weber and Fuss therefore teach through their respective constructions, sufficient thickness to allow seed pockets, wherein the thickness of the base as cited in the instant claims, would be obvious capability in consideration of seed type utilized.

It would have been obvious therefore to *phosita* at the time the invention was made, to have provided a mat in the thickness range as cited in the instant claim, for the well-known advantage of that feature; specifically, so as to allow sufficient thickness to

receive seeds as taught by the two references, smaller seeds would therefore require thinner mat thickness, which would fall within the range cited in the instant claim.

Response to Arguments

4. Applicant's arguments filed 2/26/03 have been fully considered but they are not persuasive in view of the amendments to the claims.

As discussed above in the claim-1 rejection; Weber discloses a sheet of sufficient thickness to allow seed pockets to be made, and further discloses about a 1/8th inch thickness, which reads on the thin base of the instant claim-1.

A mat "which will fertilize the soil" as further disclosed by Weber, certainly reads on the limitation "possesses a natural decomposing ability" as cited in the instant claim-1.

The art is replete with the materials for constructing the thin base and cover sheet as cited in the instant claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spanel '544 (1972); teaches a ground cover sheet comprising thin paper tissue and open mesh web adhesively secured together with plant food.

The foreign art like the US art is replete with examples of seed sowing sheet constructions such as; Sugito (JP484808) 1992, Boulay (FR2569329) 1986 and Sugiura (JP4200303) 1992.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis T. Palo whose telephone number is 703-305-5595. The examiner can normally be reached on T-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.



CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Francis T. Palo
Examiner
Art Unit 3644

FP
May 29, 2003